

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICTOR DEL RIO,)
)
Plaintiff,) Civil Action No. 08 - 1652
)
v.) Judge Joy Flowers Conti /
) Magistrate Judge Lisa Pupo Lenihan
DOUGLAS C. WARNE, individually and in)
his/her official capacity as Administrative)
Judge, Family Division, Harris County,)
)
Defendant.)

ORDER

The above captioned case was initiated on December 3, 2009, by the filing of a motion to proceed in forma pauperis. The case is assigned to Judge Joy Flowers Conti and referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and 72.1.3 and 72.1.4 of the Local Rules.

The magistrate judge's Report and Recommendation (Doc. No. 5), filed on June 24, 2009, recommended that this action be dismissed for failure to prosecute due to plaintiff's failure to effectuate proper service within 120 days as well as his failure to comply with a Court Order (Doc. No. 4). The plaintiff was served at his address of record, which is 2427 Pinpoint Drive, Spring, TX 77373, and was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20th day of October, 2009;

IT IS HEREBY ORDERED that this action is DISMISSED for plaintiff's failure

to effectuate proper service within 120 days as well as his failure to comply with a Court Order (Doc. No. 4).

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 5) of Magistrate Judge Lenihan, dated June 24, 2009, is adopted as the opinion of the court.

Dated:

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Victor Del Rio
2427 Pinpoint Drive
Spring, TX 77373